

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:
Arlene Chism, Debtor(s).

CHAPTER 13
CASE NO. 11-44530-TJT
/ JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTION TO DEBTOR'S NOTICE OF PROPOSED
POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION**

NOW COMES the Chapter 13 Trustee, Tammy L. Terry, and objects to the debtor's notice of proposed post-confirmation plan modification and states as follows:

1. The debtor(s) filed for Chapter 13 relief on February 23, 2011. This matter was confirmed on July 20, 2011 which proposed bi-weekly payments of \$185.32 for thirty-six (36) months and 6% dividend to unsecured creditors. The terms of the confirmed Plan also requires the debtor(s) to remit 100% of future income tax refunds to the Trustee for the benefit of creditors.

2. On March 6, 2015 the debtor filed a post confirmation plan modification requesting to:

a. to excuse the requirement to remit the Federal income tax refund(s) received by the debtor(s) for the year(s) 2011, 2012, 2013 and 2014 in the amount(s) of \$22,003.00 to use these funds to remodeling/repair the property located at 19300 Stahelin Avenue in Detroit Michigan.

b. extend the plan 9 months to meet the proposed dividend.

3. The Trustee objects to debtor's request to excuse the requirement to remit \$22,003.00 in income tax refunds for repairs to the property located at 19300 Stahelin Street in Detroit without additional documentation showing that the repairs were necessary. The debtor provided documentation for estimates and receipts for remodeling the bathrooms and an estimate for furnace repair in the amount of \$6,000.00. It should be noted according to debtor's Schedule A she valued the Stahelin property at \$5,000.00. The Trustee believes that the debtor's request to retain these funds is not reasonably necessary for the maintenance and support of the debtor and debtor's dependents and lacks good faith. Good Faith is required pursuant to 11 U.S.C. §1329 and pursuant to 11 U.S.C. §1325(a)(3). The Trustee further objects to debtor's failure to extend the plan to sixty (60) months as a showing of good faith.

4. The Trustee request that the debtor provide (3) three most recent paystubs showing proof of debtors income and proof of the income debtor is receiving from the rental property.

5. The Trustee objects to the debtor's Plan modification, as the modification fails to address how the debtor will cure the current delinquency in Plan payments of \$555.96. The Trustee requests that the debtors cure this default over the remaining months of the Plan.

6. The Trustee objects to the debtor's failure to remit copies of the income tax returns to the Trustee to verify the amount of refund to be retained in comparison with the amount of unexpected expenses to determine if there are any remaining funds to be submitted to the Plan pursuant to 11 U.S.C. §1325 (b)(1)(B).

7. The Trustee requests the debtor provide copies of the tax returns and the receipts for all unexpected expenses. The debtor provides in the Plan Modification that the creditors would receive an additional \$2,282.00 from the remaining balance of the refunds remitted. The Trustee request that the debtor provide clarification of the source of these funds.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny the debtor's proposed plan modification and/or grant any relief this Court deems to be just and appropriate.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Tammy L. Terry, Chapter 13 Trustee

March 14, 2015

/s/ TAMMY L. TERRY (P-46254) *VT*

Chapter 13 Standing Trustee

/s/ KIMBERLY SHORTER - SIEBERT (P-49608)

/s/ MARILYN R. SOMERS - KANTZER (P52488)

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CERTIFICATE OF MAILING

I hereby certify that on March 16, 2015 a copy of **TRUSTEE'S OBJECTIONS TO DEBTOR'S POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION** was electronically filed with the Clerk of the Court, served via Electronic Court Filing and/or a copy of same was deposited in the U.S. Mail to debtor's(s)' attorney (if any) or the debtor(s), if unrepresented, at the address as it appears below.

/s/ LaToya Ethridge

For the Office of the Chapter 13 Trustee-Detroit

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